

**TOWN OF BOW MAR, COLORADO
ORDINANCE NO. 347**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR
AMENDING SECTION 16-5 OF THE BOW MAR MUNICIPAL CODE CONCERNING
HEIGHT REGULATIONS IN RESIDENTIAL DISTRICT I**

WHEREAS, the Town of Bow Mar, Colorado (the “Town”) is a statutory town incorporated pursuant to C.R.S. §§ 31-4-301, *et seq.*; and

WHEREAS, pursuant to Article IV of the Bow Mar Municipal Code (the “Code”), the Design Review Board (the “DRB”) evaluates construction applications and conducts public hearings regarding the same for all construction projects within the Town; and

WHEREAS, Section 16-5 of the Code provides various construction regulations within the Town’s Residential District I; and

WHEREAS, specifically, Section 16-5(b)(1) of the Code specifies that the height regulations for all dwellings are to be measured from the highest existing natural grade point on the front setback line; and

WHEREAS, the DRB, the Town Building Commissioner, and the Town Building Inspector consistently interpret “front setback line” to mean within the building envelope. This interpretation ensures compliance with the maximum dwelling height restriction of 16 feet; and

WHEREAS, the Board of Trustees for the Town of Bow Mar, Colorado (the “Board”) finds that it is in the best interests of the Town to amend Section 16-5(b)(1) to provide consistent and uniform measurements of all dwellings by clarifying the “front setback line” means within the building envelope.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR, COLORADO:

Section 1 Amend Section 16-5. Section 16-5 of the Bow Mar Municipal Code is hereby amended to read as follows:

Sec. 16-5. – Residential District I

* * *

(b) Height Regulations.

All dwellings are restricted in height to a maximum of 16 feet, measured from the highest existing natural grade point on the front setback line, **within the building envelope**, to the highest point of the roof, except that no more than twenty-five percent (25%) of the total ridge line (the

horizontal line formed where two [2] upward-sloping roof surfaces meet) may be up to 18 feet in height as measured from the highest existing natural grade point on the front setback line within the building envelope. On corner lots, the applicant may use either street setback as the front setback line, within the building envelope, but will be bound by that decision.

Section 2. Safety Clause. The Board of Trustees hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town and its residents.

Section 3. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause, or phrase is declared invalid.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 5. Codification Amendments. The codifier of the Town's Municipal Code, Municipal Code Corporation, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Bow Mar Municipal Code.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED this 20th day of April, 2026.

ATTEST:

TOWN OF BOW MAR:

By: Sue Blair

Sue Blair, Town Clerk

By: Bryan Sperry

Bryan Sperry, Mayor

Compliance with Section 1-46 of the Bow Mar Municipal Code:

INTRODUCED BY TRUSTEE PETERSON

SECONDED BY TRUSTEE OSBOURNE-MANNING